

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

HOWARD EALY,

Plaintiff,

CV F 02 5897 AWI WMW P

VS.

ORDER

DR. ZOLLER, et al.,

Defendants.

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on the February 18, 2005, third amended complaint. The third amended complaint states a claim against defendants Zoller, Rhodes, Kim and Sinclair for deliberate indifference to his medical needs, in violation of the Eighth Amendment. Accordingly, it is HEREBY ORDERED that:

1. Service is appropriate for the following defendants:

DR. ZOLLER

DR. RHODES

DR. KIM

MTA SINCLAIR

2. The Clerk of the Court shall send plaintiff four USM-285 forms, four summonses,

1 a Notice of Submission of Documents form, an instruction sheet and a copy of the
2 third amended complaint filed February 18, 2005.

3 3. Within **thirty (30) days** from the date of this order, plaintiff shall complete the
4 attached Notice of Submission of Documents and submit the completed Notice to
5 the court with the following documents:

6 a. Completed summons;
7 b. One completed USM-285 form for each defendant listed above; and
8 c. Five copies of the endorsed third amended complaint filed February 18,
9 2005.

10 4. Plaintiff need not attempt service on defendants and need not request waiver of
11 service. Upon receipt of the above-described documents, the court will direct the
12 United States Marshal to serve the above-named defendants pursuant to Federal
13 Rule of Civil Procedure 4 without payment of costs.

14 5. The failure to comply with this order will result in a recommendation that this
15 action be dismissed.

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19 IT IS SO ORDERED.

20 **Dated: August 29, 2005**
mmkd34

21 **/s/ William M. Wunderlich**
22 UNITED STATES MAGISTRATE JUDGE
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